

**Tug Technical Advisory Committee
Staff Notes from April 18, 2006**

Committee Members Present

Stuart Downer, Council Member, Chair
Mike Doherty, Council Member- present on the telephone
Jim Davis, Council Member
Andy Coe, Puget Sound Pilots
Bruce Wishart, People for Puget Sound

Others Present

Norm Davis, Ecology (WDOE)
Jon Neel, Ecology (WDOE)
Frank Holmes, Western States Petroleum Assoc (WSPA)
Greg Hanon, WSPA
Ed Irish, WSPA
John Veenrjeir, Pacific Merchant Shippers Association
Matt Brown, Foss Maritime
Richard Rodger, Senate Water, Energy and Environment staff
Jacqui Brown Miller, Council Staff
Dorine Coleman, Council Staff

The meeting convened at 10:00 a.m. in a conference room on the third floor of the Insurance Building on the Capitol Campus in Olympia.

- Chair opened the meeting with an invitation for all present to fully participate, that their comments and concerns would be part of the record and that he would fully involve them in the decision.
- At one point in the opening remarks, a WSPA representative (Frank Holmes) stated he would want a “minority report” filed to the council on behalf of his industry, and chairman Downer stated he would take it to the Council and present it to the Council himself.
- Chair finished his opening remarks with a reminder to the sub-committee and all present that it was their task to follow the guide lines of the GOSAC which was to make sound recommendations to the Governor for a “O” spill prevention program, and that they should realize that not all issues in front of them would be able to have the time needed for full discussion, but it was his hope that this would be a ongoing sub-committee that would continue to discuss the issues.

STAFF NOTES

All persons present participated fully in the discussion.

Sentiments and solutions held by various members of the group are set forth below by topic.

Tug Escorts for any flagged oil tankers

- A) Chair suggested that the committee should recommend to the full council that the current system in practice for all-flagged tank ships should not be changed. He referenced a 2004 Glosten Associates Study that was done for Ecology called “Study of Tug Escorts in Puget Sound.” He suggested that the committee should accept the study’s recommendations, which would result in a recommendation that no changes (note: No regulation changes recommended) be made at this time, based on current information, current technology, vessels, etceteras.
- 1) The environmental representative’s viewpoint was that this position seemed okay with the following caveats:
 - (a) Acknowledging that the study confessed that more information is needed and that a human factors analysis needs to be done.
 - (b) There is an open question as to whether sentinel tugs really are as protective in conjunction with millennium class boats as the study would indicate.
 - 2) An Ecology representative said that Ecology may be able to do or recommend studying human factors and make recommendations to the legislature.
 - 3) There was a discussion about sentinel tugs and millennium class vessels.
 - 4) It was stated that by saying the committee recommends no changes, it was not recommending that any protections currently in place or being done, be undone.
 - 5) An environmental representative stated that he is most concerned about looking at human error and possibly recommending changes based on that... but that based on the existing study (which was essentially an engineering study), the environmental community could go along with no changes at this time. This environmental representative also indicated that the environmental community is very concerned about tank barges not being regulated in any way whatsoever.
- B) It was noted by the Chair that committee member Mike Doherty requested that the area “Tankers” are currently escorted needed to have further (on going) discussion as he felt that there was a need to expend the requirements to Buoy “J”.
- **The sub-committee is not recommending that any of the current “Tanker Escort” regulations (State or Fed) be changed at this time**

Neah Bay Tug- location, duration, and funding

- A) Current duration and funding
 - 1) An Ecology representative explained that the Neah Bay's current duration is not related to need as much as it is to available funding—in that when the allocated money runs out, the tug leaves.... But mobilizations of the tug and resulting payment by the distressed vessel owner can result in extensions to the tug's duration at Neah Bay.
 - 2) It was also explained that the tug is currently funded by Washington taxpayers, via a vehicle-transfer fee. This revenue stream is slated to expire in June, 2008.
 - 3) Certain members of the committee will bring to the next meeting the incident and other data that support the tug.
 - B) At the next meeting, the committee will further discuss funding issues related to the tug, most likely general, not specific, recommendations that can be given to the consultant that will be working on a revenue streams analysis.
 - C) The committee also will discuss at the next meeting whether changes to the type of vessel that is located at Neah Bay would be necessary or warranted.
- **The committee decided that its recommendation is, that the full Council endorse a fully funded, year-round, dedicated, "Straights and Coastal, Response/ Rescue Tug" at or near Neah Bay Washington.**

Other Response Tugs- location, duration, and funding

- A) An environmental representative recommended that another rescue/ response tug be placed at Haro Strait.
 - 1) Justifications for this were that there are not very many tugs in this area and that there is an increased risk of having an incident in this area, and the surrounding ecosystem is extremely sensitive and fragile.
 - 2) An industrial representative stated that because much of the traffic going through this area is Canadian bound, this is not something that US-oriented entities should pay for any extra protections to prevent oil spills in this areas.
 - 3) Committee member Capt. Andy Coe, made a comment to the effect of it is was the committees and councils responsibility to be pro-active and not reactive.
- B) Another environmental representative recommended another rescue/ response tug be placed at Grays Harbor.
 - 1) Justifications for this were the three-mile limitation of the state being able to use regulation to prevent spills, fragility of shellfish beds to the south of Grays harbor, there is only one tug for the whole west coast, there are many economic interests that would be impacted if a spill occurred, there is a lack of

equipment to respond on the coast, there is a general recognition that it is almost impossible to clean up an oil spill once it occurs, and there is an important and fragile marine sanctuary on the west coast. Further decision was held about Tugs losing their tow's and the damage that could have on the Coast as well.

- 2) Industry representatives and Ecology indicated there are voluntary measures that are being undertaken, such as the Tugs carry the "Orvill hook," recovery equipment, travel restrictions, double wiring the tow's by using double wire drums on the boats.
 - (a) Environmental representatives countered that because these things are purely voluntary they cannot be relied on, and also because these things are done at the federal level, there are indicators that the state may be able to do nothing to make these things mandatory, and therefore, this justified extra response/ rescue tugs being placed on the coast.
 - (b) Ecology indicated that there are incidents on the coast that justify a tug there, citing incidents in 2002 and 2003.
 - (c) The environmental representatives also stated that there are cruise ships and cargo ships that have very little regulations on them that would also justify having a tug on the west coast.
- C) This entire issue is being put onto the agenda for the next meeting. The members of the committee were not fully prepared to back up their various positions on this topic because the agenda was sent out only the day before the meetings. They assigned themselves with the task of coming to the next meeting prepared to do this, to deliberate, and to come up with a recommendation for the full Council.
- D) An oil industry representative once more indicated that if any such recommendations are made from this committee, he would like to file a "minority report." The Chairman once more offered to personally take such a report to the full Council.
- E) At the next meeting, the funding conversation about the Neah Bay tug will likely apply to the tugs being suggested here as well.

Other General Decision

- A) Escort requirements - such as foreign flagged vessels, bulk cargo carriers, tank barges, and possible extensions to buoy "J" for any vessels.
 - 1) It was decided that this conversation primarily centered on bulk carriers/ cargo, tank barges, ATBs, and on possible extensions of tug escort requirements to buoy Jay.
 - 2) Many stated that we need a requirement for barges. The idea of studying other areas that have this requirement was suggested. **Apparently, barges are required to have tug escorts in San Francisco Bay, CA and in Buzzard Bay, Massachusetts.**
 - 3) Many stated that ATBs should have the same requirements as tank ships. Apparently they are considered as a tug and barge, even though they operate like a tank ship. Apparently, because of their tonnage, even were they classified as tank ships, they would not need to be escorted, as they fall under the tonnage requirement for requiring escorts.

- (a) The committee needs to study what are the current rules for tank ships, tank barges, and ATBs and decide what statutory changes it wants to recommend, including any changes to the dead weight tonnage requirements.
 - (b) The committee decided to invite Crowley Marine to the next meeting for the ATB conversation.
- 4) The western straights issue and need for more response tugs is tabled until the next meeting.
 - (a) An oil industry representative said this should not be something that is done because the extra tugs would cause too much air pollution.
- B) International Tug of Opportunity System
 - 1) The committee generally agreed that ITOS is “an okay tool” that they are glad to have in the toolbox, but it is not something they would want to have to rely upon.
 - 2) Industry touted upcoming Coast Guard enhancements in identifying tugs.
 - (a) The committee took the position that these new changes will not enhance the capacity of the system because it won’t make the ability of a tug to leave its tow any more likely.
 - 3) It was generally agreed that ITOS would be something that lingers of the committees agenda to be discussed as part of a larger system, but that it will not be a priority issues with which to grapple or for which to recommend changes at this time.

Next Meetings

The next meetings will be on April 28 from 12:00 p.m. to 4:00, May 12 from 10:00 a.m. to 3:00 p.m. at a location to be determined and tentatively on May 15 from 10:00 a.m. to 3:00 p.m. at a location to be determined.

The Chair thanked all for coming and adjourned the meeting